



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

JAMES M. SMITH  
DIRECT (202) 973-4288  
jamesmsmith@dwt.com

SUITE 200  
1919 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20006-3402

TEL (202) 973-4200  
FAX (202) 973-4499  
www.dwt.com

September 17, 2008

### **BY ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Suite TW-A325  
Washington, DC 20554

**Re: EB Docket No. 06-36**

Dear Ms. Dortch:

On behalf of Fusion Telecommunications International, Inc., we are submitting herewith its **Annual 47 C.F.R. § 64.2009(e) CPNI Certification for Calendar Year 2007** in the above-referenced proceeding.

Kindly address any questions concerning this submittal to the undersigned counsel.

Sincerely,

DAVIS WRIGHT TREMAINE LLP

James M. Smith  
Counsel for Fusion Telecommunications  
International, Inc.

cc: Telecommunications Consumers Division, Enforcement Bureau (2 copies, by U.S. mail)  
Best Copy and Printing, Inc. (via e-mail)

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification for 2007**  
**EB Docket 06-36**

Annual 47 C.F.R. § 64.2009(e) CPNI Certification for 2007

Date filed: September 17, 2008

Name of company covered by this certification: Fusion Telecommunications International, Inc.

Form 499 Filer ID: 825160

Name of signatory: Gordon Hutchins, Jr.

Title of signatory: President and Chief Operating Officer

I, Gordon Hutchins, Jr., certify that I am an officer of the company named above and, acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's CPNI rules.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, e.g., instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed /s/ Gordon Hutchins, Jr. [electronic signature]

**FUSION TELECOMMUNICATIONS INTERNATIONAL, INC.**  
**STATEMENT OF CPNI OPERATING PROCEDURES**

1. It is the policy of Fusion Telecommunications International, Inc. (the "Company") not to use, disclose, or permit access to Customer Proprietary Network Information ("CPNI"), as defined in the FCC's rules, for any purposes other than the following, all of which are permitted without customer approval under FCC rules:

- a. For the purpose of providing or marketing Company service offerings among categories of service (i.e., local, interexchange) to which the customer already subscribes.
- b. For the purpose of providing inside wiring installation, maintenance, and repair services.
- c. For the purpose of marketing "adjunct-to-basic" services, such as speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.
- d. For the purpose of protecting the rights or property of the Company, or to protect users of its services and other carriers from fraud, abusive, or unlawful use of or subscription to such services.

2. The Company has established a program to inform and train personnel that they may not use, disclose, or permit access to CPNI for any purpose other than those set forth above. At present, the Company does not engage in outbound marketing using CPNI. The Company has an express disciplinary process in place to discipline violations of its CPNI policy.

3. Because the Company does not use, disclose or permit access to CPNI except as described above, by definition, it does not need to maintain a record of sales and marketing campaigns that use customers' CPNI, or of instances where CPNI is disclosed to third parties, or where third parties were allowed access to CPNI.

4. Because the Company does not use CPNI except as described above, the Company does not utilize a notification and customer approval process (i.e., an Opt-Out or Opt-In process). If the Company changes its marketing procedures, an appropriate customer notification process will be instituted.

5. The Company's online access system only provides access to basic account profile information. It does not provide access to call detail information. The company does not provide online access to even this basic information until the customer has established a login ID and password that is consistent with the Company's security policies and that does not rely on the use of readily available biographical information or account information.

6. Customers who contact the Company via inbound calls are not provided with call detail information. If a customer requests specific call detail information, the request is referred by the CSR to a supervisor. The supervisor will either (a) provide the requested information via a letter

mailed to the customer contact at the customer's address of record, or (b) via a return telephone call to the customer contact at the customer's telephone number of record.

7. Customers who present themselves at the Company's retail location and who request CPNI are asked for proper photographic identification (i.e., state issued driver's license or the equivalent). CPNI will be disclosed only if the customer presents valid photo ID matching the customer's account information.

8. The Company has not detected any unauthorized access to CPNI, either by employees, pretexters or other third parties. The Company did not receive any customer complaints regarding CPNI in 2007.

9. The Company will notify the customer immediately if the customer's address of record is created (except at the time of service initiation) or changed. This notification is made by mail to the customer's pre-existing address of record, and does not reveal the changed information.

10. In the event of any breach of a customer's CPNI as described in section 64.2011 of the FCC rules, the Company will, as soon as practicable and in all events within seven (7) days of determination of the breach, notify law enforcement through <http://www.fcc.gov/eb/cpni>, and subsequently notify the customer(s), in accordance with the procedures and in the sequence prescribed by that rule section. The Company will maintain a record of any such breaches and notifications for at least two (2) years.

11. The Company has in place a supervisory review process regarding compliance with its CPNI policy.